

EXHIBIT 246

To: Mary Carole Cooney; Dr Kathleen Ruth; aaronvjohanson@yahoo.com; Vernetta Keith Nuriddin; Mark Wingate[Mary Carole Cooney; Dr Kathleen Ruth; aaronvjohanson@yahoo.com; Vernetta Keith Nuriddin; Mark Wingate]
From: Marilyn Marks[Marilyn Marks]
Sent: Thur 7/9/2020 1:39:18 PM (UTC+01:00)
Subject: Urgent Issues for BRE Consideration--Voting System Problems

Dear Fulton Election Board,

We write you to again resubmit and update the attached election administration recommendations we made to the Board on May 31, prior to June 9 Election Day. Many of the requests and recommendations are those we have presented to the Board repeatedly for the last twelve months after the Secretary of State selected the ill-considered BMD voting system. Unfortunately, our concerns and recommendations have not been taken seriously. Those recommendations would have avoided the vast majority of foreseeable problems the new voting system exhibited to everyone's great frustration on June 9. We trust that the troubling experiences of the June primary have created the environment in which recommendations from knowledgeable advocacy groups can be considered in a more favorable light.

We urge you to watch the report on Georgia (primarily Fulton County) aired on PBS NewsHour. Some of the unworkable issues with the new voting system are explained.
<[Many of the issues that undermined the integrity and workability of the June 9 election cannot be solved so long as Fulton County continues to use the problem BMD voting system. As we have written you many times before \(including the attached letter\), the county has multiple exit ramps to avoid the inferior and ill-fitting voting system, and instead](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.pbs.org_newshour_show_in-2Dgeorgia-2Dprimary-2Delection-2Dchaos-2Dhighlights-2Da-2Dvoting-2Dsystem-2Ddeeply-2Dflawed&d=DwMFaQ&c=HPJvcKF4Kk5Wqru1T_u_fOsw8NVQVa3gp0ReMdlciXw&r=Ab1tWoBND5WPUindk9Sn4wStS2z-l-4wem9O9RY2hRILrpnrnD9tMptAtAtHi9ii&m=-3pcQaGVc-ag6VxwyFwly6CEpICIH91tTQVOW3lxNCQ&s=ijRJPNMl4QylvzgyYB7msHdMdx22yvnNaCtqdy_iT3E&e=> https://www.pbs.org/newshour/show/in-georgia-primary-election-chaos-highlights-a-voting-system-deeply-flawed</p></div><div data-bbox=)

Marilyn Marks

Executive Director

<[Cell: \[REDACTED\]](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.coalitionforgoodgovernance.org_&d=DwMFaQ&c=HPJvcKF4Kk5Wqru1T_u_fOsw8NVQVa3gp0ReMdlciXw&r=Ab1tWoBND5WPUindk9Sn4wStS2z-l-4wem9O9RY2hRILrpnrnD9tMptAtAtHi9ii&m=-3pcQaGVc-ag6VxwyFwly6CEpICIH91tTQVOW3lxNCQ&s=ieCoS2Q1dHuRt_FQvcZ3LOGdVi7WcdiuvuiGg2YhaH0&e=> Coalition for Good Governance</p></div><div data-bbox=)

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use far simpler streamlined hand marked paper ballots counted by the Dominion scanners, with outcomes audited for accuracy.

Ballot secrecy

It is imperative that the Fulton Board provide voters with the very basic right of ballot secrecy that is guaranteed by the Georgia Constitution and reinforced in statutes that command this board to ensure that all votes are cast in “absolute secrecy.” We urge you to turn your immediate attention to this unconscionable violation of voters’ rights, which we and several citizens have presented to this board repeatedly since October. The response simply cannot continue to be “this is the system that the SOS gave us,” while ignoring voters’ constitutional rights to ballot secrecy.

Unsupportable resource drain of BMD system

The BMD system is near impossible and unnecessary resource drain on Fulton County at a time that trained pollworker availability is inadequate. The overly-complex BMDs require time-intensive hands-on training, with 5 new major components that workers must integrate. Hand marked paper ballots would greatly reduce complexity for workers and voters, and sharply decrease labor requirements for system programming, testing, transport, set up, maintaining up time and returning in a secure manner. At the same time, using hand marked ballots would greatly reduce voters’ time in the polling place, lines, and improve the public health safety environment as a result.

BMD capacity is inadequate—long lines will result

For many polling places, the statutory minimum number of voting stations cannot be deployed because of the high electrical power needs. Also, arranging the polling places to provide the appropriate social distancing given the electrical requirements is virtually impossible in some locations, based on our observations in other counties. It is likely that there is an inadequate number of machines even without the electrical and social distancing considerations. The use of hand marked paper ballots does not require extensive electrical supply, and voting stations can be much more easily configured to provide social distancing.

Scanner/tabulators Fail to Count Some Votes

As we wrote you before the certification of the June 9 results,
(<https://coalitionforgoodgovernance.sharefile.com/d-s20bf352b8694d0b9>
<https://urldefense.proofpoint.com/v2/url?u=https-3A__coalitionforgoodgovernance.sharefile.com_d-2Ds20bf352b8694d0b9&d=DwMFaQ&c=HPJvcKF4Kk5Wqru1T_u_fOsw8NVQVa3gp0ReMdlciXw&r=Ab1tWoBND5WPUindk9Sn4wStS2z-l-4wem9O9RY2hRILrpnrd9tMptAtAtHi9ii&m=-3pcQaGVc-ag6VxwyFwly6CEpICIH91tTQVOW3lxNCQ&s=BvXCS9jyi7L-UUVIz-grm_-hDfxM0tYEEXFea-4IKhA&e=>) the mail ballot scanners are configured to suppress the counting of many valid vote marks when they may be checkmarks, X’s, light marks, or incomplete filling in of the ovals. This Board’s decision to permit thousands of voter’s votes in certain races to likely go uncounted after you were informed of the software

problem was gravely disappointing. We implore you to diligently investigate this issue to fully understand how to mitigate the improper censoring of votes caused by the Secretary's preset software settings. Georgia law is clear that all votes that clearly reflect voter intent must be counted.

Unauditable BMD Results

It should also be noted that the Secretary of State used a botched experiment in Fulton to proclaim that the results of the Presidential Primary were audited and accurate. We hope that every Board member fully understands why this so called "audit" failed and why the use of the BMD system cannot result in an auditable election in August or November, and will take the necessary action to reverse this unacceptable situation.

Solution is Hand Marked Paper Ballots

The use of the BMD system simply cannot be justified given the impossible problems it generates. This Board has the authority and duty to move to an auditable, flexible and resilient hand marked paper ballot system.

We urge you to reread our June 6 letter to you.

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We are happy to talk with you at any time about our recommendations.

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